APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,966	08/24/2001	Bryan E. Aupperle	RSW920010130US1	2143

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EXAMINER
STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
2121	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/938,966	AUPPERLE ET AL.
	Examiner	Art Unit	
	Thomas H. Stevens	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 November 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-42 were examined.

Section I: Non-Final Rejection

Reopening Prosecution

2.   After much consideration, prosecution is hereby reopened. An action on the

merits appears below.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C.

102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Camut

et al., (US Patent 6,684,257, hereafter Camut). Camut teaches a system and method

for testing whether Web content has been properly tailored by a transcoding proxy for

display within various requesting pervasive computing devices (abstract).

Regarding claims 1-42

- computer implemented method of identifying web sites comprising: (column 5, lines 47-49; abstract: line 2)

- identifying at least one functional characteristic (specification definition, (pg. 6, lines 1-18): *functions supported by the web site that require functions to be enabled by user client devices in order to output the content of the web site on the client device and/or receive input from the client devices directed to the web site.* These functions may be provided through the computer code of the web; thus computer code e.g., Java, C++, etc., column 5, lines 10-19; "characteristics of a device display" column 4, lines 9-11).

- web site to be tested (simulation of URL, part of the web site, columns 3 and 4, lines 67, 1-11, respectively)

- retrieving content for a web site (column 7, lines 3-5)

- testing the content of a web site (abstract)

- storing (column 5, lines 36-37)

- results of the testing of the content of the web site (negative responses from the test comparison are saved, column 4, lines 18-20).

Regarding claims 2, 22,32,36

- a client device (column 1, lines 20-22) in order to output the web site content (i.e., results of a search report from Google or Yahoo) on the client device.

Regarding claims 3

- disabling, in a web browser (official notice is taken since it's well known to

  remove a web browser from the server by simply deactivating it from the server)

Regarding claims 4,14,24

- determining if a portion of the content is not output (Internet, column 1, line 44-

  46) by the web browser due to the at least one functional characteristic in the

  web browser being disabled. (Official notice is taken of the fact that web

  browsers will alert the user when they are off line and thus few or no new search

  results will be returned)

Regarding Claims 6,16,26,34,37

- Active scripting, plug-in application, (applications of Java, column 5, line 13)

- storing cookies on a client device (part of the client device, column 1, line 21)

- providing dynamic web content (e.g., Webtv, column 2, line 29)

- providing dynamic user interfaces, (e.g., Webtv, column 2, line 29)

- displaying digital movies (e.g., Webtv, column 2, line 29)

- broadcasting audio data (e.g., cell phone, column 2, line 32)

Regarding claims 7,8,9,17,18,19,27,28,29

- retrieving and testing content for the web site comprises generating a list of web

  sites (conducted by the user in which user views a list of sites on the server,

column 2, lines 8-10) to be tested, and selected a next web site in a list of web

sites to be tested (abstract).

Regarding claims 10,20,31

- receiving a search request (Official notice since that's the intent of the Internet,

    column 1, line 46, "Internet") zero or more web sites having or not having the

    designated one or more web site functional characteristics (Official notice is

    taken of the fact that browsers will return results limited to particular categories

    such as videos, songs or text)

Regarding claims 11,12,13,14,15,19,20,39,40,41

- A computer program product (column 12, line 38), comprising: a computer usable

    medium having computer usable program code for identifying web sites, said

    computer program product including: computer usable program code (column 12,

    lines 45-48)

Regarding claims 21,23,25,27-29,40,42

- comprising: a network interface ("computer network...includes one or more

    servers", column 1, lines 43-46); database interface (examples of storage

    .devices, column 5, lines 5-9 and internal and external data storage, column 7,

    lines 46-49)

- web site content analysis engine (method of identifying web content, column 7,

    lines 26-28)

Regarding claims 30,33

- a search results interface generation device, (specification, pg. 34, lines 18 and

  19: *interface generation device 560 which generates a search results interface*

  and transmits the data to the client device from which the search request was

  received; any well known search engine: Google, Yahoo, Ask Jeeves, etc.)

  wherein the search engine receives a search request including a designation of

  one or more web site functional characteristics,

Regarding claim 33

- charging a fee to an account source of the search request for searching (Official

  notice: online databases that monetarily charge for access e.g., Dialog,

  WestLaw, Lexus)

Regarding claims 35 and 38

- data structure (e.g., http header, column 8, line 22) and identified in the web site

  identifier field ("identification of Web content the client device" column 7, lines 26-

  28).

Section II: Response to Arguments

Claim Objections

5.   Objections to claims 6, 16,26,33,34 and 37 are withdrawn.

103

6.   The previous rejections under 35 U.S.C. 103(a) are withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of Camut.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (7:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Anthony Knight 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

December 13, 2006

TS

Anthony Knight
Supervisory Patent Examiner
Tech Center 2100